

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CONSUMER FINANCIAL PROTECTION
BUREAU,

Plaintiff,

vs.

POPULUS FINANCIAL GROUP, INC. d/b/a
ACE CASH EXPRESS,

Defendant.

Civil Action No. 3:22-cv-01494-K

**AGREED MOTION TO EXTEND BRIEFING DEADLINES FOR DEFENDANT’S
MOTION TO DISMISS AND MOTION TO STAY**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Plaintiff Consumer Financial Protection Bureau (“CFPB” or “Bureau”) and Defendant Populus Financial Group, Inc. d/b/a ACE Cash Express (“ACE” or “Defendant”) file this Agreed Motion to Extend Briefing Deadlines for Defendant’s Motion to Dismiss and Motion to Stay (the “Agreed Motion”), seeking to extend the time for (1) the CFPB to file its responses to ACE’s Motion to Dismiss for Failure to State a Claim (ECF No. 16, the “Motion to Dismiss”) and ACE’s Motion to Stay Pending Fifth Circuit Decision in *Community Financial Services Association of America Ltd. v. CFPB* (ECF No. 17, the “Motion to Stay”), and (2) ACE to file its replies in support of the Motion to Dismiss and Motion to Stay. In support thereof, the CFPB and ACE respectfully show as follows:

1. On September 23, 2022, ACE filed the Motion to Dismiss and Motion to Stay.
2. Counsel for the CFPB and ACE have discussed via teleconference and email the CFPB’s deadlines to respond to the Motion to Dismiss and Motion to Stay and ACE’s deadlines to submit a reply in support of the same. Following these discussions, the CFPB and ACE agreed to (1) extend the CFPB’s deadlines to respond to the Motion to Dismiss and the Motion to Stay

until November 4, 2022, and (2) extend ACE's deadline to submit replies in support of the Motion to Dismiss and the Motion to Stay until December 2, 2022.

3. There is good cause for the extensions. The CFPB and ACE believe the foregoing extensions are reasonable in light of the perceived needs of the case. The agreed extensions will avoid conflicts with counsel's personal and professional commitments. They will also serve the interests of judicial efficiency by avoiding the need for additional requests for extensions at a later time.

4. The CFPB and ACE thus submit this Agreed Motion and respectfully request that the Court extend the briefing deadlines on the Motion to Dismiss and the Motion to Stay as follows:

- a. The CFPB shall respond to the Motion to Dismiss and Motion to Stay on or before November 4, 2022; and
- b. ACE shall submit a reply in support of the Motion to Dismiss and a reply in support of the Motion Stay on or before December 2, 2022.

5. The agreed extensions are sought in good faith and not for the purpose of delay, but rather so that the interests of justice may be served.

6. This is the first request to extend the abovementioned briefing deadlines.

PRAYER FOR RELIEF

For these reasons, the Agreed Motion should be granted.

Dated: October 5, 2022

Attorneys for Plaintiff,

Consumer Financial Protection Bureau

Eric Halperin
Enforcement Director

Richa Dasgupta
Deputy Enforcement Director

Michael Posner
Assistant Litigation Deputy

/s/ Gregory Nodler
Gregory Nodler
Senior Litigation Counsel
TX Bar No. 24053395
E-mail: Gregory.Nodler@cfpb.gov
Phone: 202-435-7671

Tianna Baez
Senior Litigation Counsel
NY Bar No. 4808598
E-mail: Tianna.Baez@cfpb.gov
Phone: 240-459-4390

Tassity Johnson
Senior Litigation Counsel
DC Bar No. 1049061
Email: Tassity.Johnson@cfpb.gov
Phone: 202-451-1284

Respectfully Submitted,

/s/ Angela C. Zambrano

Angela C. Zambrano
Texas Bar No. 24003157
angela.zambrano@sidley.com
Robert S. Velevis
Texas Bar No. 24047032
rvelevis@sidley.com
Barret V. Armbruster
Texas Bar No. 24102922
barmbruster@sidley.com
SIDLEY AUSTIN LLP
2021 McKinney Avenue, Suite 2000
Dallas, Texas 75201
Telephone: (214) 981-3300
Facsimile: (214) 981-3400

Chris J. Willis (*pro hac vice*)
Georgia Bar No. 766297
chris.willis@troutman.com
Sarah T. Reise (*pro hac vice*)
Georgia Bar No. 181567
sarah.reise@troutman.com
TROUTMAN PEPPER HAMILTON
SANDERS LLP
600 Peachtree Street, N.E., Suite 3000
Atlanta, Georgia 30308
Telephone: (404) 885-3000
Facsimile: (404) 885-3900

*Attorneys for Defendant Populus Financial
Group, Inc. d/b/a ACE Cash Express*

CERTIFICATE OF CONFERENCE

I hereby certify that on September 29, October 3, and October 4, 2022, the Parties conferred and agreed to the relief requested.

/s/ Angela C. Zambrano
Angela C. Zambrano

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2022, I electronically filed the above Agreed Motion to Extend Briefing Deadlines with the Clerk of the Court using the CM/ECF system, which will automatically send email notification of such filing to all attorneys of record.

/s/ Angela C. Zambrano
Angela C. Zambrano